

1 BILL NO. G-87- 09-32

2 GENERAL ORDINANCE NO. G- 21-88

3 AN ORDINANCE amending the Thoroughfare  
4 Plan of the City Comprehensive ("Master")  
5 Plan by vacating a dedicated utility easement.

6 WHEREAS, a petition to vacate a dedicated utility  
7 easement within the City of Fort Wayne (as more specifically  
8 described below) was duly filed with the City Planning  
9 Commission; and

10 WHEREAS, said Commission duly held a public hearing  
11 thereon; and

12 WHEREAS, said Commission has duly forwarded its  
13 recommendation to this body approving said petition, all in  
14 accordance with I.C. 36-7-4-512(2) and this body having held  
15 a public hearing on said vacation as provided in I.C. 36-7-  
16 3-12; and

17 WHEREAS, this body concurs in the recommendation of the  
18 City Planning Commission.

19 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
20 THE CITY OF FORT WAYNE, INDIANA:

21 SECTION 1. That the petition filed herein to vacate a  
22 dedicated utility easement within the City of Fort Wayne,  
23 more specifically described as follows, to-wit:

24 Part of the 14 foot-wide utility easement which lies 7  
25 feet on each side of the common lot line between Lots  
26 Numbered 2 and 3 in Hovan Park, the plat of which is  
27 recorded in Plat Book 46, pages 47-50 in the Office of  
28 the Recorder of Allen County, Indiana, said part being  
29 more particularly described as follows to-wit:

30 Beginning on the South line of said Lot Number 2 at a  
31 point situated 14.0 feet East of the Southwest corner  
32 of said Lot Number 2; thence Northerly and parallel to  
the West line of said Lot Number 2, a distance of 7.0  
feet; thence East and parallel to the South line of  
said Lot Number 2, a distance of 161.39 feet to a point  
situated 15.0 feet (measured radially) Westerly of the  
cul-de-sac right-of-way line of Hovan Drive; thence  
Southerly, on and along a line situated 15.0 feet  
(measured radially) Westerly of and concentric to said  
cul-de-sac right-of-way line, an arc distance of 14.03



1 feet, being subtended by a long chord having a length  
2 of 14.00 feet to a point situated 7.0 feet South of the  
3 North  
4 line of said Lot Number 3; thence West and parallel to  
5 the North line of said Lot Number 3, a distance of  
6 161.37 feet to a point situated 14.0 feet East of the  
7 West line of said Lot Nubmer 3; thence North and  
8 parallel to said West line, a distance of 7.0 feet to  
9 the point of beginning.

10 and which vacating amends the Thoroughfare Plan of the City  
11 Comprehensive ("Master") Plan and is hereby approved in all  
12 respects.

13 SECTION 2. That this Ordinance shall be in full force  
14 and effect from and after its passage, any and all necessary  
15 approval by the Mayor.

16 Janet Y. Bradbury  
17 COUNCILMEMBER

18 APPROVED AS TO FORM AND LEGALITY:

19 Bruce O. Boxberger  
20 BRUCE O. BOXBERGER, CITY ATTORNEY

21 \*\*Public hearing to be held on \_\_\_\_\_,  
22 the \_\_\_\_\_ day of \_\_\_\_\_, 1987,  
23 in the Council Chambers.

24 Sandra E. Kennedy, City Clerk



Read the first time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, read the second time by \_\_\_\_\_ title and referred to the Committee on \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: \_\_\_\_\_

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Leavis, and duly adopted, placed on its passage. PASSED LOST by the following vote:

|             | AYES | NAYS | ABSTAINED | ABSENT |
|-------------|------|------|-----------|--------|
| TOTAL VOTES | 9    |      |           |        |
| BRADBURY    | ✓    |      |           |        |
| BURNS       | ✓    |      |           |        |
| GIAQUINTA   | ✓    |      |           |        |
| HENRY       | ✓    |      |           |        |
| LONG        | ✓    |      |           |        |
| REDD        | ✓    |      |           |        |
| SCHMIDT     | ✓    |      |           |        |
| STIER       | ✓    |      |           |        |
| TALARICO    | ✓    |      |           |        |

DATED: 7-26-88

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. B-21-88  
on the 26th day of July, 1988,

Sandra E. Kennedy ATTEST  
SANDRA E. KENNEDY, CITY CLERK

SEAL  
Thomas E. Henry  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of July, 1988, at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 27th day of July, 1988, at the hour of 2:45 o'clock P. M., E.S.T.

P. Helmke  
PAUL HELMKE, MAYOR



Read the first time in full and on motion by Bud Lamy  
seconded by E. Schuch, and duly adopted, read the second time  
by title and referred to the Committee Regulations (and the  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort W  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

DATE: 9-22-87

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_  
seconded by \_\_\_\_\_, and duly adopted, placed on  
passage. PASSED (LOST) by the following vote:

|                    | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> | <u>TO-WIT:</u> |
|--------------------|-------------|-------------|------------------|---------------|----------------|
| <u>TOTAL VOTES</u> | _____       | _____       | _____            | _____         | _____          |
| <u>BRADBURY</u>    | _____       | _____       | _____            | _____         | _____          |
| <u>BURNS</u>       | _____       | _____       | _____            | _____         | _____          |
| <u>EISBART</u>     | _____       | _____       | _____            | _____         | _____          |
| <u>GiaQUINTA</u>   | _____       | _____       | _____            | _____         | _____          |
| <u>HENRY</u>       | _____       | _____       | _____            | _____         | _____          |
| <u>REDD</u>        | _____       | _____       | _____            | _____         | _____          |
| <u>SCHMIDT</u>     | _____       | _____       | _____            | _____         | _____          |
| <u>STIER</u>       | _____       | _____       | _____            | _____         | _____          |
| <u>TALARICO</u>    | _____       | _____       | _____            | _____         | _____          |

DATE: \_\_\_\_\_

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

WIN MOSES, JR., MAYOR

# RECEIPT

CH # 7493

No 2722

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 8/10 1987

RECEIVED FROM Allen County Tractor Sales, Inc. \$ 100.00

THE SUM OF One Hundred DOLLARS

ON ACCOUNT OF Utility Easement Heaven Rk

Vacate

[Signature]  
AUTHORIZED SIGNATURE



RECEIVED

AUG 10 1987

FORT

CITY PLANNING COMMISSION

BEFORE THE CITY PLAN COMMISSION, CITY OF FORT WAYNE, INDIANA

PETITION FOR VACATION OF A PORTION OF A  
UTILITY EASEMENT IN HOVAN PARK, IN THE  
CITY OF FORT WAYNE, INDIANA

Comes now Hovan Realty Company, Petitioner herein, by counsel, Ronald D. Felger, and pursuant to I.C. 36-7-3-16 alleges and states:

1. Petitioner is the owner of Lots 2, 3, and 4 in Hovan Park, City of Fort Wayne, Indiana.
2. That the plat of Hovan Park was recorded in the Allen County Recorder's Office in Plat Book 46, pages 47-50.
3. That, as platted, a 14 foot wide utility easement lies on each side of the common Lot line between Lots 2 and 3 in Hovan Park. Said utility easement is further described as the shaded area shown on the attached Exhibit A, being a survey dated July 23, 1987, prepared by Zohrab K. Tazian.
4. That the real estate proposed to be vacated, and fully described in Exhibit A attached hereto, is, to the best information of the Petitioner, entirely or partly within the corporate boundaries of the City of Fort Wayne.
5. That the Petitioner is the only owner of land that abuts the property proposed to be vacated.
6. That Lots 2 and 3 of Hovan Park have not been improved, and, therefore, no improvements are currently being served by the utility easement proposed to be vacated.
7. That the Petitioner desires to sell Lots 2, 3 and 4 in Hovan Park, including that utility easement which Petitioner proposes to vacate.
8. That such sale and possible future improvement necessitate the vacating of the utility easement described in Exhibit A.
9. That the utility easement proposed to be vacated is not necessary to the growth of the City of Fort Wayne, will not interfere with access to the lands of any individuals, will not hinder the public's access to a church, school, or other public building or place, and will not hinder the use of any other utility easement in the City of Fort Wayne or in Hovan Park.

ZOHRAB K. TAZIAN, P.E. & L.S.  
 C. DUANE EMBURY, P.E. & L.S.  
 JOHN C. SAUER, L.S.  
 SAM L. FAUST, L.S.

**zktazian**

ASSOCIATES, INC.  
 345 WEST WAYNE STREET  
 SUITE 202  
 FORT WAYNE, INDIANA 46802  
 PHONES: 219/424-3232  
 219/426-0003

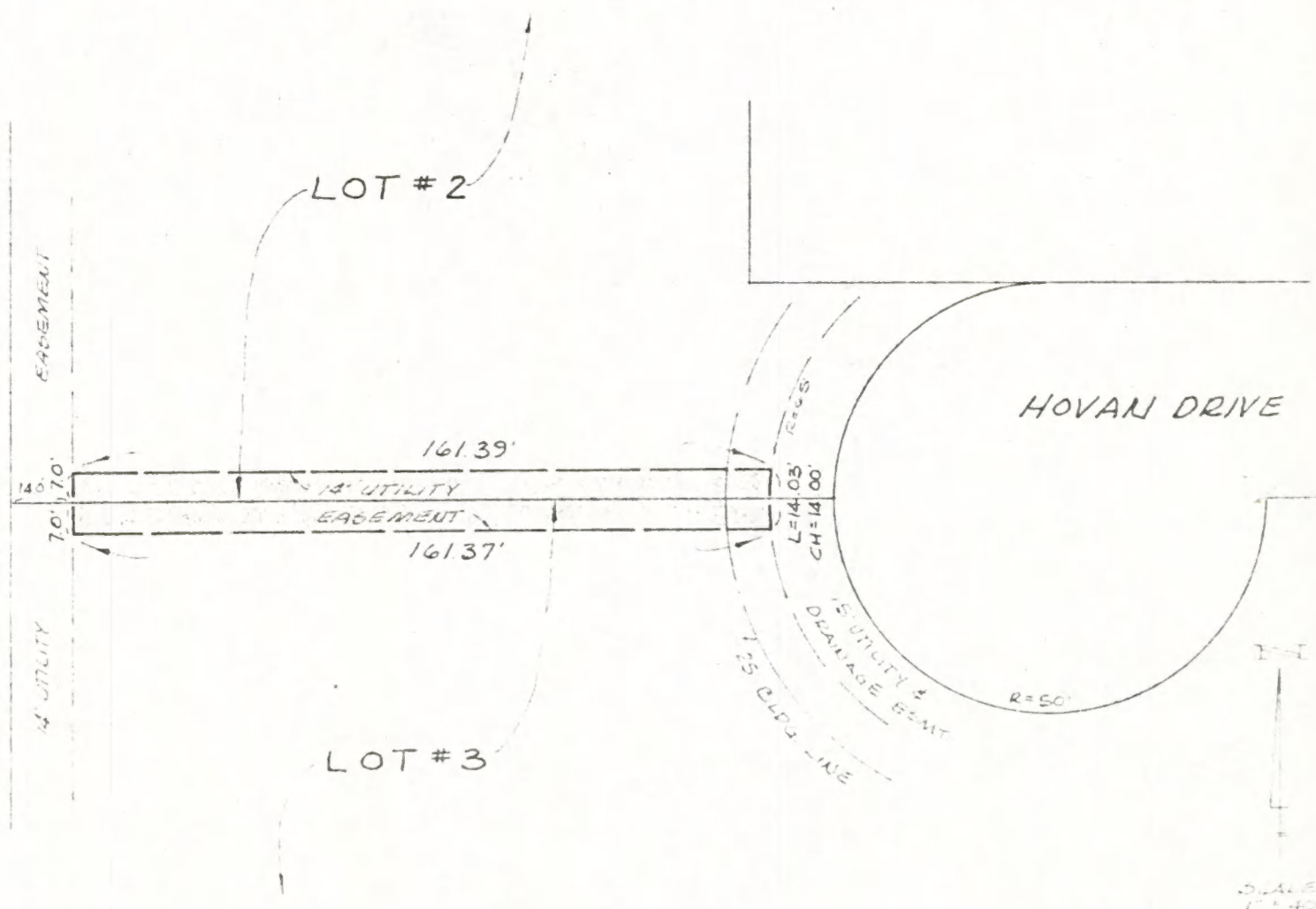


## CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

### DESCRIPTION OF REAL ESTATE

See page 2 for legal description.



I hereby certify on the 23rd day of July, 19 87 that the above survey is correct.

Surveyed for: Hobrock  
 Survey No.: 87-5-70"A"

*Zohrab K. Tazian*

EXHIBIT A





ZOHRAB K. TAZIAN, P.E. & L.S.  
JOHN C. SAUER, L.S.  
SAM L. FAUST, L.S.

**zktazian**

ASSOCIATES, INC.  
345 WEST WAYNE STREET  
SUITE 202  
FORT WAYNE, INDIANA 46802  
PHONES 219/424-3232  
219/426-0063

## CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

### DESCRIPTION OF REAL ESTATE

Part of the 14 foot-wide utility easement which lies 7 feet on each side of the common lot line between Lots numbered 2 and 3 in Hovan Park, the plat of which is recorded in Plat Book 46, pages 47-50 in the Office of the Recorder of Allen County, Indiana, said part being more particularly described as follows, to wit:

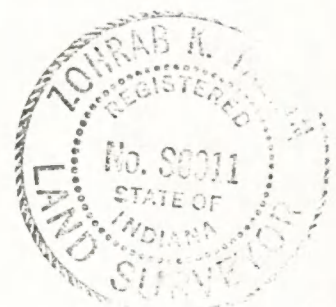
Beginning on the South line of said Lot number 2 at a point situated 14.0 feet East of the Southwest corner of said Lot number 2; thence Northerly and parallel to the West line of said Lot number 2, a distance of 7.0 feet; thence East and parallel to the South line of said Lot number 2, a distance of 161.39 feet to a point situated 15.0 feet (measured radially) Westerly of the cul-de-sac right-of-way line of Hovan Drive; thence Southerly, on and along a line situated 15.0 feet (measured radially) Westerly of and concentric to said cul-de-sac right-of-way line, an arc distance of 14.03 feet, being subtended by a long chord having a length of 14.00 feet to a point situated 7.0 feet South of the North line of said Lot number 3; thence West and parallel to the North line of said Lot number 3, a distance of 161.37 feet to a point situated 14.0 feet East of the West line of said Lot number 3; thence North and parallel to said West line, a distance of 7.0 feet to the point of beginning.

This property is in Zone C according to Flood Insurance Rate Map 180003 0015 2, effective April 3, 1985.

I hereby certify on the 23rd day of July, 19 87 that the above survey is correct.

Surveyed for: Hobrock  
Survey No.: 87-5-70"A"

*Zohrab K. Tazian*





RESOLUTION 77-289-10

WHEREAS, HOVAN REALTY COMPANY has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement in Fort Wayne, Allen County, to-wit:

Part of the 14 foot-wide utility easement which lies 7 feet on each side of the common lot line between Lots Numbered 2 and 3 in Hovan Park, the plat of which is recorded in Plat Book 46, pages 47-50 in the Office of the Recorder of Allen County, Indiana, said part being more particularly described as follows to-wit:

Beginning on the South line of said Lot Number 2 at a point situated 14.0 feet East of the Southwest corner of said Lot Number 2; thence Northerly and parallel to the West line of said Lot Number 2, a distance of 7.0 feet; thence East and parallel to the South line of said Lot Number 2, a distance of 161.39 feet to a point situated 15.0 feet (measured radially) Westerly of the cul-de-sac right-of-way line of Hovan Drive; thence Southerly, on and along a line situated 15.0 feet (measured radially) Westerly of and concentric to said cul-de-sac right-of-way line, an arc distance of 14.03 feet, being subtended by a long chord having a length of 14.00 feet to a point situated 7.0 feet South of the North line of said Lot Number 3; thence West and parallel to the North line of said Lot Number 3, a distance of 161.37 feet to a point situated 14.0 feet East of the West line of said Lot Number 3; thence North and parallel to said West line, a distance of 7.0 feet to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of a dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN )

I, Angela S. Derheimer, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held

June 15, 1988 and as same appears of record in the official records of the Board of Public Works



DATED THIS 15<sup>th</sup> DAY OF June 1988  
FORT WAYNE BOARD OF PUBLIC WORKS

Angela S. Derheimer  
Angela S. Derheimer  
Director of Public Works

Greg Purcell  
Greg Purcell  
Director of Community Development & Planning

C. David Silletto  
C. David Silletto  
Director of Administration & Finance



## RESOLUTION

WHEREAS, HOVAN REALTY COMPANY has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement in Fort Wayne, Allen County, to-wit:

Part of the 14 foot-wide utility easement which lies 7 feet on each side of the common lot line between Lots Numbered 2 and 3 in Hovan Park, the plat of which is recorded in Plat Book 46, pages 47-50 in the Office of the Recorder of Allen County, Indiana, said part being more particularly described as follows to-wit:

Beginning on the South line of said Lot Number 2 at a point situated 14.0 feet East of the Southwest corner of said Lot Number 2; thence Northerly and parallel to the West line of said Lot Number 2, a distance of 7.0 feet; thence East and parallel to the South line of said Lot Number 2, a distance of 161.39 feet to a point situated 15.0 feet (measured radially) Westerly of the cul-de-sac right-of-way line of Hovan Drive; thence Southerly, on and along a line situated 15.0 feet (measured radially) Westerly of and concentric to said cul-de-sac right-of-way line, an arc distance of 14.03 feet, being subtended by a long chord having a length of 14.00 feet to a point situated 7.0 feet South of the North line of said Lot Number 3; thence West and parallel to the North line of said Lot Number 3, a distance of 161.37 feet to a point situated 14.0 feet East of the West line of said Lot Number 3; thence North and parallel to said West line, a distance of 7.0 feet to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on September 21, 1987 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easement.

WHEREAS, said vacation of public alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated utility easement in Allen County, Indiana.



STATE OF INDIANA)

) SS:

COUNTY OF ALLEN )

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held

Sept 30, 1987, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 22 DAY OF June 1988

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner, Secretary



ORIGINAL

Admn. Appr. \_\_\_\_\_

COUNCILMANIC DISTRICT No. \_\_\_\_\_

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE \_\_\_\_\_

Utility Easement Vacation

DEPARTMENT REQUESTING ORDINANCE \_\_\_\_\_

Land Use Management - CD&P

SYNOPSIS OF ORDINANCE \_\_\_\_\_

A 14' wide utility easement lying between Lots 2 & 3 in

Hovan Park.

9-27-09-32

EFFECT OF PASSAGE \_\_\_\_\_

Property is presently a dedicated utility easement. Property

will be vacated and revert to the adjacent property owners.

EFFECT OF NON-PASSAGE \_\_\_\_\_

Property will remain a dedicated utility easement.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.)) \_\_\_\_\_



**FACT SHEET**

G-87-09-32

**Division of Community  
Development & Planning**

BILL NUMBER

**BRIEF TITLE**

Utility Easement Vacation

**APPROVAL DEADLINE****REASON****DETAILS****Specific Location and/or Address**

A 14' wide utility easement lying between  
Lots 2 & 3 in Hovan Park.

**Reason for Project**

Future Development

**Discussion (Including relationship to other Council actions)**21 September 1987 - Public Hearing

Ron Felger, attorney representing the petitioner Hovan Realty appeared before the Commission. Mr. Felger stated that his client has a potential buyer for the property. He stated the proposed new development would require vacating this easement. He stated that there are no other adjoining property owners affected by the petition.

Baron Biedenweg asked if there were any utilities using the easement. Mr. Felger stated that there were none to his knowledge.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

28 September 1987 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the petitioner providing easements as necessary.

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**

Hovan Realty Company  
City Department

Other

**Opponents****Groups or Individuals****Basis of Opposition****Staff  
Recommendation**

☒ For

☐ Against

Reason Against

**Board or  
Commission  
Recommendation****By**

☒ For

☐ Against

☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)

**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**

☐ Pass

☐ Other

☐ Pass (as  
amended)

☐ Hold

☐ Council Sub.

☐ Do not pass



# DETAILS

Of the nine members present eight (8) voted in favor of the motion one (1) did not vote. Motion carried.

## NOTE:

This ordinance has been held up pending the relocation of power source, by underground methods, for Street Light Engineering. The cost of all relocating was also to be the burden of the developer. The staff received a memo from Street Lighting on June 7, 1988 stating that these conditions had been satisfied.

# POLICY/ PROGRAM IMPACT

Policy or  
Program  
Change

☐

No

☐

Yes

Operational  
Impact  
Assessment

(This space for further discussion)

Project Start

Date 10 August 1987

Projected Completion or Occupancy

Date 23 June 1988

Fact Sheet Prepared by

Patricia Biancaniello

Date 23 June 1988

Reviewed by

Date

*Paul Dexter*

*28 June 1988*

Reference or Case Number



BILL NO. G-87-09-32

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the  
Thoroughfare Plan of the City Comprehensive ("Master") Plan  
by vacating a dedicated utility easement

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~) Do Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY  
Mark E. GiaQuinta CHAIRPERSON  
Charles B. Redd MARK E. GIAQUINTA  
David C. Long VICE CHAIRMAN  
Paul M. Burns CHARLES B. REDD  
DAVID C. LONG  
PAUL M. BURNS

CONCURRED IN 7-26-88

Sandra E. Kennedy  
City Clerk

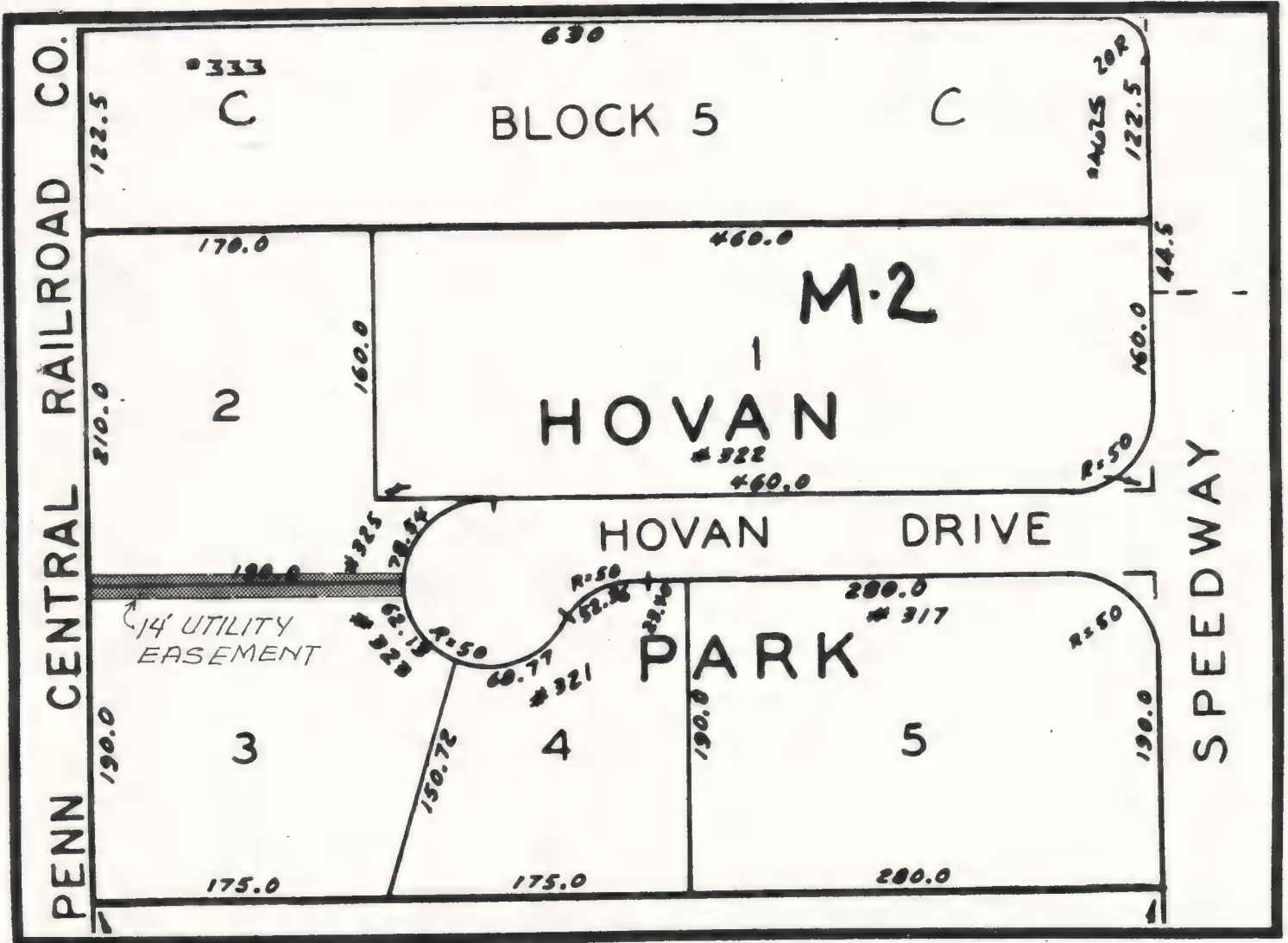


**VACATION PETITION** - 298

A PETITION TO VACATE THE DESCRIBED PUBLIC UTILITY  
EASEMENT.

MAP NO. M-30

COUNCILMANIC DISTRICT NO. 3



## ZONING:

## M2 GENERAL INDUSTRY

**LAND USE:**

C COMMERCIAL

**SCALE:** 1"=100'

**DATE:** 8-27-87

L.W. 

All America City



Most Livable City

## THE CITY OF FORT WAYNE

July 6, 1988

Ms. April Minnick  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Minnick:

Please give the attached full coverage on the date of July 9, 1988, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN


Bill No. G-87-09-32  
Utility Easement Vacation

Bill No. G-87-10-10  
Street Vacation

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

  
Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 2



NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-87-09-32)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, July 26, 1988, at 7:00 P.M. (EST) in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

A 14' wide utility easement lying between Lots 2 & 3 in Hovan Park. Property is presently a dedicated utility easement. Property will be vacated and revert to the adjacent property owners. Property will remain a dedicated utility easement.  
Councilmanic District #3

Part of the 14 foot-wide utility easement which lies 7 feet on each side of the common lot line between Lots Numbered 2 and 3 in Hovan Park, the plat of which is recorded in Plat Book 46, pages 47-50 in the Office of the Recorder of Allen County, Indiana, said part being more particularly described as follows to-wit:

Beginning on the South line of said Lot Number 2 at a point situated 14.0 feet East of the Southwest corner of said Lot Number 2; thence Northerly and parallel to the West line of said Lot Number 2, a distance of 7.0 feet; thence East and parallel to the South line of said Lot Number 2, a distance of 161.39 feet to a point situated 15.0 feet (measured radially) Westerly of the cul-de-sac right-of-way line of Hovan Drive; thence Southerly, on and along a line situated 15.0 feet (measured radially) Westerly of and concentric to said cul-de-sac right-of-way line, an arc distance of 14.03 feet, being subtended by a long chord having a length of 14.00 feet to a point situated 7.0 feet South of the North

line of said Lot Number 3; thence West and parallel to the North line of said Lot Number 3, a distance of 161.37 feet to a point situated 14.0 feet East of the West line of said Lot Number 3; thence North and parallel to said West line, a distance of 7.0 feet to the point of beginning.

All interested parties are invited to appear and be heard.

Fort Wayne Common Council

Sandra E. Kennedy  
City Clerk

Agent:

Ron Fulger

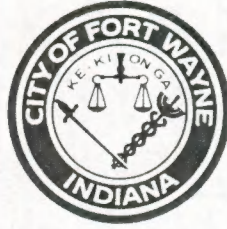
1907 Fort Wayne

Natl Bank

City 46805



All America City



Most Livable City

## THE CITY OF FORT WAYNE

July 8, 1988

Ronald Felger, Attorney  
1907 Fort Wayne National Bank  
Fort Wayne, IN 46802

### NOTICE OF PUBLIC HEARING ON BILL NO. G-87-09-32

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, July 26, 1988, at 7:00 P.M. (EST) in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

A 14' wide utility easement lying between Lots 2 & 3 in Hovan Park. Property is presently a dedicated utility easement. Property will be vacated and revert to the adjacent property owners. Future development.

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council

Sandra E. Kennedy  
City Clerk

**Fort Wayne Common Council**  
(Governmental Unit)

To: **The Journal-Gazette** Dr.  
**P.O. Box 100**  
**Fort Wayne, IN**

**Allen** County, Indiana

**PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

3

38

3

44

**COMPUTATION OF CHARGES**

44 lines, 1 columns wide equals 44 equivalent lines  
at .330 cents per line

\$ 14.52

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

2.00

**TOTAL AMOUNT OF CLAIM**

\$ 16.52

**DATA FOR COMPUTING COST**

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*Trudy Sterling*

Date: July 9, 19 88

Title: Clerk

**PUBLISHER'S AFFIDAVIT****NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-87-09-32)**

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All interested parties are invited to appear and be heard.

Fort Wayne Common Council  
Sandra E. Kennedy  
City Clerk

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Trudy Sterling who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time 7/9/88, the dates of publication being as follows:

7/9/88

*Trudy Sterling*

Subscribed and sworn to before me this 9th day of July, 19 88.

*Shelley R. LaRue*

Notary Public

Shelley R. LaRue

My commission expires: March 3, 1990



Fort Wayne Common Council

(Governmental Unit)

Allen

County, Indiana

To:

The News-Sentinel

Dr.

P.O. Box 100

Fort Wayne, IN

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Sandra E. Kennedy  
City Clerk